

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHARELL A. SHAW,

Plaintiff,

Case No. 10-10727

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 23)
AND
GRANTING DEFENDANT'S MOTION TO DISMISS (Doc. 15)
AND
DISMISSING CASE

This is a social security case. On February 22, 2010, plaintiff Sharell Shaw, proceeding pro se, filed this action seeking judicial review of an unfavorable decision disallowing benefits. The matter was referred to a magistrate judge for all pretrial proceedings. Defendant, the Commissioner of Social Security (Commissioner), filed a motion to dismiss on the grounds that plaintiff had not timely appealed from a final decision and therefore jurisdiction was lacking.

On April 7, 2011, the magistrate judge issued a report and recommendation (MJRR) recommending that the Commissioner's motion be granted. Plaintiff has not filed objections to the MJRR and the time for filing objections has passed. A failure to file objections to the report and recommendation waives any further right to appeal.

Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge.

Accordingly, the MJRR is ADOPTED as the findings and conclusions of the Court. The Commissioner's motion to dismiss is GRANTED. This case is DISMISSED for the reasons stated in the MJRR.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 6, 2011

I hereby certify that a copy of the foregoing document was mailed to **Sharella A. Shaw, 20925 Lasher, Apt 815, Southfield, MI 48033** and the attorneys of record on this date, May 6, 2011, by electronic and/or ordinary mail.

s/Johnetta Curry-Williams for Julie Owens
Case Manager, (313) 234-5160